

Graham, Benita

From: Cohen, Amy
Sent: Friday, May 14, 2021 9:31 AM
To: Rogers, Rick
Cc: Henry, JeannaR
Subject: RE: Mountaire Settlement
Attachments: 2017 11 30 Area of Concern Highlighted.pdf; Final-Map-StreetMapMinorRoadsLabeled_Dashed-(00342480xB9753).pdf

Good Morning Rick, I spent the morning digging and found a DNREC map from their 2017 NOV. The area you expressed concern about is highlighted in yellow. I compared this map to the one in the settlement (both maps are attached) and the settlement area does include the area west of the factory along route 24.

I have looked at most of Mr. Burdick's info. There seems to be some validity in his assumptions that the land is changing in a map or two. But he's given no compelling evidence to convince me its Mountaire or that the 'dumping' is indeed illegal. I think that it probably should go to CID and let them sort it out.

Let me know what you'd like me to do as next steps.

Amy

From: Rogers, Rick <rogers.rick@epa.gov>
Sent: Thursday, May 13, 2021 5:38 PM
To: Cohen, Amy <Cohen.Amy@epa.gov>
Cc: Henry, JeannaR <Henry.Jeannar@epa.gov>
Subject: RE: Mountaire Settlement

Thanks, Amy. The only other thought I had was to make sure the homes we were considering adding to the order, or issuing another order which were located west of the Mountaire facility were also included in the settlements. Those were what caused DNREC to step up and take and action on their own. I'm assuming that they are included in the settlements but I haven't looked that closely to compare.

Did you have a chance to look into any of the other complaint information Mr. Burdick sent?

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From: Cohen, Amy <Cohen.Amy@epa.gov>
Sent: Tuesday, May 04, 2021 8:14 AM
To: Rogers, Rick <rogers.rick@epa.gov>

Cc: Henry, JeannaR <Henry.Jeannar@epa.gov>

Subject: FW: Mountaire Settlement

Rick, I have attached a copy of the Consent Decree between DE DNREC and Mountaire. I have also attached a map of the area.

The houses we address in our Order are well within the designated settlement area, on Herbert Road.

The issue we had before was we were not prepared for the perception of closing out an Order while the case was being litigated.

I think now that the case is settled we can close our Order since the homes in the Order are protected by the Consent Decree.

Let me know if I am missing something.

Hope you enjoyed your vacation.

Amy

PS opinion on Citizen complaint to come separately

From: Roushey, Jennifer S. (DNREC) <Jennifer.Roushey@delaware.gov>

Sent: Monday, May 03, 2021 11:58 AM

To: Cohen, Amy <Cohen.Amy@epa.gov>

Subject: RE: Mountaire Settlement

Hi Amy,

I've attached a copy of the Consent Decree we have with Mountaire. Also, the permit record for the proposed WWTP upgrade can be found at: <https://dnrec.alpha.delaware.gov/events/684/virtual-public-hearing-mountaire-farms-on-site-wastewater-treatment-and-disposal-system/>.

The construction permit for the upgrades and the Operations Permit Modification can be found at <https://dnrec.alpha.delaware.gov/water/groundwater/> in the 3rd blue block down from the top of the page.

The alternative water supply is addressed in Exhibit F and G of the Consent Decree. Mountaire is still working with the Town of Millsboro and the PCS to try and establish public water in the area identified in Exhibit F. Residents in that area will have the option of filters or public water (if Mountaire is successful in getting public water approved) or deeper private wells (if public water cannot be established).

The groundwater mitigation is addressed in Exhibit H of the Consent Decree. Mountaire is essentially relocating their processing plant production wells within the spray irrigation fields to establish a pump and treat system and provide for a level of hydrologic control. The WWTP upgrades will allow Mountaire to treat effluent to 10mg/L or less for total nitrogen (per the design docs, they should more consistently be in the 3-5 mg/L range for total nitrogen). We have given them an "end of pipe" limit 10mg/L or less for TN which will go into effect once Phase I of the WWTP upgrades are complete. So, effluent being sprayed will be at 10 mg/L or less before any crop uptake occurs.

Let me know if you have any questions or if you need any additional information. Be well!

Regards,

Jenn

Jennifer S. Roushey
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Director's Office
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Please note – my email address has changed to jennifer.roushey@delaware.gov

From: Cohen, Amy <Cohen.Amy@epa.gov>
Sent: Monday, May 03, 2021 11:13 AM
To: Roushey, Jennifer S. (DNREC) <Jennifer.Roushey@delaware.gov>
Subject: Mountaire Settlement

Hi Jen, I've been given the task of reviewing the Mountaire settlement to see if EPA is able to close-out it's existing Administrative Order. I have searched the internet and found lots regarding the cash settlement but nothing but generalities regarding the upgrades to their wastewater treatment or what solution was given to address a permanent alternative drinking water source.

If you have a copy of the settlement document and you can forward to me that would be great. If there is a more appropriate person to ask this question of please let me know.

I appreciate your time.
Amy

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